

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-32090-2023

Date of Decision: December 05, 2023

Manoj Kumar

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Siddharth Gupta, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. Devansh Gupta, Advocate
for Mr. Nitish Garg, Advocate,
for respondent no.2.

Vivek Puri, J.

1. The petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short ('Cr.P.C.)) invoking its inherent jurisdiction for quashing of F.I.R. No. 37, dated 09.08.2016, registered under Section 498-A of the Indian Penal Code (for short 'IPC'), at Police Station PS Women, District Bathinda and all other consequential proceedings arising therefrom, as well as, judgment and order dated 30.11.2021 passed by the Court of learned Judicial Magistrate First Class, Bathinda vide which the petitioner has been convicted under Section 498-A IPC and sentenced, on the basis of compromise (Annexure P-2).

2. On 15.09.2023, the parties were directed to appear before the learned Appellate Court for recording statements of the parties regarding compromise and it was further directed that after recording their statements, the learned Court shall send a report regarding the genuineness of the compromise.

3. In compliance of the order dated 15.09.2023, the learned Additional Sessions Judge, Bathinda, has sent its report and the relevant portion thereof is reproduced as following:-

“2. It is humbly submitted that as per directions of Hon’ble High Court, I have recorded the statement of the parties on affidavit and I have also ascertained from the complainant Ms. Sunita that she has received Rs.5,50,000/- on 05.10.2023. Both the parties stated that compromise has been effected with the intervention of respectable. The parties have already obtained the divorce.

3. As per statement of Investigating Officer; Manoj Kumar, husband of complainant and her father-in-law were accused as per FIR. Father-in-law Bharat Bhushan was declared innocent during investigation. No accused was declared proclaimed person in this case.

4. From the statements of the parties, it is made out that compromise is voluntary, genuine, without any coercion or undue influence.

5. *As per the statement of IO/ASI Nirmal Singh, accused Manoj Kumar was not involved in any other case and there was only one complainant/victim namely Sunita in the FIR in question.”*

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent no.2 on 21.01.2015, but no child has been born from the wedlock. The matrimonial dispute had cropped up between the parties. The petitioner was convicted under Section 498A IPC and sentenced to undergo RI for a period of 1 year and to pay a fine of Rs. 500/-. In default of payment of fine, to further undergo imprisonment for 15 days vide judgment of conviction and order of sentence dated 30.11.2021 passed by the Court of learned Judicial Magistrate First Class, Bathinda. The appeal preferred by the petitioner is pending before the Court of learned Additional Sessions Judge, Bathinda. The matrimonial dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2). The marriage of the petitioner and respondent no.2 has been dissolved by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 08.04.2022 passed by the learned Family Court, Bathinda. A sum of Rs. 10,50,000/- has been paid by the petitioner to respondent no.2 on account of permanent alimony. The respondent no.2

has received all her articles of istridhan and nothing is due payable to her by the petitioner. No other case is pending between the parties.

5. After hearing the learned counsel for the parties and going through record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out of the Court settlement by way of compromise (Annexure P-2). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

6. For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

7. In the decision rendered in **Sube Singh and another Vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102**, the Division Bench of this Court has laid down as following:-

“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends

of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”

8. Furthermore, in the decision rendered in ***Ramgopal and another Vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322***, it has been held by the Supreme Court that non compoundable criminal cases of pre-dominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction.

9. The matrimonial dispute has been amicably settled between the parties. In such circumstances, the compromise will go a long way in maintaining cordial and harmonious relations between the parties.

10. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, F.I.R. No. 37, dated 09.08.2016, registered under Section 498-A IPC, at Police Station PS Women, District Bathinda and all other consequential proceedings arising therefrom, as well as, judgment and order dated 30.11.2021 passed by the Court

of learned Judicial Magistrate First Class, Bathinda vide which the petitioner has been convicted and sentenced, are ordered to be quashed. The petitioner is acquitted and fine, if any, deposited be refunded. Furthermore, the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 30.11.2021 would be rendered infructuous and shall be so declared by the learned Additional Sessions Judge where the appeal is pending.

11. Resultantly, with the above-said observations made, the instant petition stands allowed.

December 05, 2023
vkd

[Vivek Puri]
Judge

Whether reasoned / speaking :	Yes / No
Whether reportable :	Yes / No